

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

JORGE ANGEL CASTORENA,

Movant,

vs.

UNITED STATES OF AMERICA.

No. C12-3064-LRR
No. CR11-3021-LRR

ORDER

This matter appears before the court on Jorge Angel Castorena's notice of withdrawal of claim (civil docket no. 15). On June 30, 2014, Jorge Angel Castorena ("the movant") filed such notice.

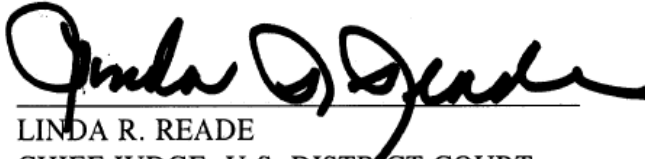
Previously, the court dismissed all of the movant's claims except his failure to file a notice of appeal claim. With respect to his only remaining claim, the court appointed counsel and set an evidentiary hearing. Having had an opportunity to discuss his claim with appointed counsel, the movant now deems it appropriate to withdraw his failure to file a notice of appeal claim. The court shall accept the movant's withdrawal. The evidentiary hearing scheduled to take place on July 2, 2014 shall be cancelled. Lastly, because all of the movant's claims have been resolved or withdrawn, the movant's motion to vacate, set aside or correct sentence shall be denied. And, in light of its review of the record in this case, the court finds that the movant failed to make the requisite "substantial showing" with respect to the claims that he raised in his 28 U.S.C. § 2255 motion. *See* 28 U.S.C. § 2253(c)(2); *see also* Fed. R. App. P. 22(b) (describing procedures that apply to a certificate of appealability). Because he does not present a question of substance for

appellate review, there is no reason to grant a certificate of appealability. Accordingly, a certificate of appealability shall be denied.

IT IS THEREFORE ORDERED:

- (1) The court accepts the movant's withdrawal of his failure to file a notice of appeal claim.
- (2) The evidentiary hearing scheduled on July 2, 2014 is cancelled.
- (3) The movant's motion under 28 U.S.C. § 2255 (civil docket no. 1) is denied.
- (4) A certificate of appealability is denied.

DATED this 1st day of July, 2014.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA